

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

MAY 14 2007

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

HENRY L. BURCH,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security¹,

Defendant.

CASE NO. 4:06CV00067

REPORT AND RECOMMENDATION

By: B. Waugh Crigler
U. S. Magistrate Judge

It appearing that plaintiff has failed to comply with the court's March 10, 2005 standing order regarding the filing of briefs, it is

RECOMMENDED

that plaintiff's case be DISMISSED for failure to prosecute.

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection.

The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED: *[Signature]*

U. S. Magistrate Judge

May 14, 2007
Date

¹On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. In accordance with Rule 25(d)(1) of the Federal Rules of Civil Procedure, he should be substituted for Commissioner of Social Security as the defendant.